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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,589

12/07/2006

Pierre-Armand Thomas

P/4393-17

9692

2352 7590 03/18/2011  
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EXAMINER

SINGH, SUNIL

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

03/18/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/587,589	THOMAS, PIERRE-ARMAND	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sunil Singh	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 11, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9, 12, 15-16 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,7,8,9,12,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO document '425 in view of Evans '404.

WO '425 discloses a structure comprising: a floating hull (11) fitted with at least three lifting legs (12) for this hull, adapted to rest on the seabed, each lifting leg being associated with mechanical displacement means (see Fig. 3) housed in a bearing framework of said hull, and shuttle (all of the 30's) which can be displaced along the lifting legs. Each element comprising a mechanical drive (36,37,20,25,26,27) positioned on the associated lifting leg and configured to drive the respective element. WO '425 discloses the invention substantially as claimed. However, WO'425 is silent about the mechanical drive positioned on the associated lifting leg is configured to drive the respective element independently of the remaining elements. Evans '404 teaches mechanical drive positioned on the associated lifting leg and is configured to drive respective element independently of the remaining elements (see col. 6 thru col. 7 member 122). It would have been considered obvious to one of ordinary skill in the art

Art Unit: 3672

to modify WO document '425 to have independently driven mechanical drives as taught by Evans in order to compensate for an uneven deck.

With regards to claims 8,9, the recited method steps are considered to be obvious in view of the claimed combination above.

3. Claims 1,3,7,12,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 5224798) in view of Evans (US 4456404).

Thomas discloses a structure comprising: a floating hull (1) fitted with at least three lifting legs (2) for this hull, adapted to rest on the seabed, each lifting leg being associated with mechanical displacement means (see Fig. 2) housed in a bearing framework of said hull, and shuttle (all of the 11's) which can be displaced along the lifting legs. Each element comprising a mechanical drive (16,5,7,8) positioned on the associated lifting leg and configured to drive the respective element. Thomas discloses the invention substantially as claimed. However, Thomas is silent about the mechanical drive positioned on the associated lifting leg is configured to drive the respective element independently of the remaining elements. Further, Thomas is silent about including a u-shaped hull and a shuttle formed of at least three elements. Evans '404 teaches mechanical drive positioned on the associated lifting leg and is configured to drive respective element independently of the remaining elements (see col. 6 thru col. 7 member 122). Further, Evans teaches a u-shaped hull (see Fig. 2,3) and a shuttle formed of at least three elements. It would have been considered obvious to one of ordinary skill in the art to modify Thomas to have independently driven mechanical drives as taught by Evans in order to compensate for an uneven deck.

Art Unit: 3672

Further, it would have been considered obvious to one of ordinary skill in the art to modify Thomas to have a u-shaped hull and a shuttle formed of at least three elements as taught by Evans in order to provide a structure with easier access to the interior of the hull and provide the necessary leg support.

***Allowable Subject Matter***

4. Claims 10,11,13 and 14 are allowed.
5. Claims 5,6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1,8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/  
Primary Examiner, Art Unit 3672

Sunil Singh  
Primary Examiner  
Art Unit 3672

SS  
3/12/11